

# **City Commission Meeting**

City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive February 13, 2008

Mayor Matti H. Bower Vice-Mayor Jerry Libbin Commissioner Saul Gross Commissioner Richard L. Steinberg Commissioner Edward L. Tobin Commissioner Deede Weithorn Commissioner Jonah Wolfson

City Manager Jorge M. Gonzalez City Attorney Jose Smith City Clerk Robert E. Parcher

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#### ATTENTION ALL LOBBYISTS

Chapter 2, Article VII, Division 3 of the City Code of Miami Beach entitled "Lobbyists" requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyists laws are available in the City Clerk's Office. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.

Special note: In order to ensure adequate public consideration, if necessary, the Mayor and City Commission may move any agenda item to the alternate meeting date which will only be held if needed. In addition, the Mayor and City Commission may, at their discretion, adjourn the Commission Meeting without reaching all agenda items.

### Times based on the digital recording in the City Clerk's Office.

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C2A C2B C2C C2D C2E C2F C2F C2G C2H	Request for Approval, Lease of "Colony Theatre Café" Located at 1040 Lincoln Road. Request for Approval, Purchase (9) 2008 Bobcat Utility Vehicles, \$89,686.00. Request for Approval, Purchase Several Ford Vehicles, \$211,306.00. Request for Approval, Purchase Several Ford Vehicles, \$253,375.00. Request for Approval, Purchase Several Ford Vehicles, \$175,663.00. Request for Approval, ITB No. 46-06/07 - Leasing of Copiers, \$193,000. Request for Approval, ITB No. 48-06/07 - Purchase of Electrical Supplies, \$625,000. Request for Approval, Mgmt/Operation of MBCC, Colony Theater & Byron Carlyle Theater.			
C4A C4B C4C C4D	Ref: Finance & CWP Committee - E-Governance & Accountability Task Force. (Weithorn) Ref: Neighborhoods/Comm. Affairs Committee - Sister City Brampton, Ontario, Canada. Ref: Finance & CWP Committee - City Investment Policy & Guidelines. Ref: Neighborhoods/Community Affairs - Retail Issues/Request for City Services. (Libbin)			
C6A C6B C6C C6D	Report: G.O. Bond Oversight Committee Meeting on January 7, 2008. Report: Finance & Citywide Projects Committee Meeting on January 10, 2008. Report: Land Use & Development Committee Meeting on January 24, 2008. Report: Neighborhoods/Community Affairs Committee Meeting on January 30, 2008.			

Execute Amendment, Normandy Shores ROW Infrastructure Improvement Project.

Execute Agreement, Construction of 10<sup>th</sup> Street Auditorium/Beach Patrol Headquarters.

Prepared by the City Clerk's Office Page 1 of 33

C7B

C7A Submit Grant Funding Requests to Several Funding Agencies.

- C7D Execute Utility Easement, Belle Isle Neighborhood ROW Improvement Project.
- C7E Adopt Certificate of Results, January 29, 2008 City Of Miami Beach Special Election.
- C7F Elect Commissioner Saul Gross as Vice-Mayor for March 1, 2008 June 30, 2008.
- C7G Re-Appointment of Chief Special Master.
- C7H Approve Assignment of Governmental Services Agreement.
- C7I Approve Sole Source Purchase, (2) Lifepak 12 Defibrillator Monitors.
- C7J Approve Purchase, Manifold Assemblies/Water Meters/Automatic Meter Reading Systems.
- C7K Waive Space Rental Charges & Parking Fees, Bots IQ Competition April 26 May 6, 2008.
- C7L Approve Settlement of City Liens, 524 Ocean Drive, Miami Beach, Florida.
- R5A 10:15 a.m. 2<sup>nd</sup> Rdg, Amend Local Business Tax Ordinance.
- R5B 10:20 a.m. 2<sup>nd</sup> Rdg, Resort Tax May Be Filed & Paid Online at No Charge, (Manual \$25.00).
- R5C 11:30 a.m. 2<sup>nd</sup> Rdg, Comprehensive Plan Amendment Public School Facilities Element.
- R5D 5:00 p.m. 2<sup>nd</sup> Rdg, Demolition Evaluation Criteria. 5/7
- R5E 5:01 p.m. 2<sup>nd</sup> Rdg, Commercial Use Of Single Family Homes Prohibited. 5/7
- R5F 5:15 p.m. 1st Rdg, Accessory Bars & Restaurants in RPS Districts. 5/7
- R5G 1<sup>st</sup> Rdg, Extensions of Time. 5/7
- R5H **1**<sup>st</sup> **Rdg**, Expand Upon Lobbyists Registration Requirements. (Libbin)
- R5I 1<sup>st</sup> Rdg, Amend City's Sidewalk Café Ordinance.
- R7A 11:00 a.m. Consider an After-The-Fact Revocable Permit, 5600 La Gorce Drive.
- R7B 11:30 a.m. Execute Agreement, Improve Coordination w/ School Board Facilities Planning.
- R7C Execute Amendment, Normandy Shores Golf Course.
- R7D Approve City's FY 2009 Federal Legislative Agenda.
- R7E Enter into a Lease Line of Credit w/ Suntrust Equipment Finance & Leasing Corp.
- R7F Approve Amendment to Concession Agreement, Valet Parking Fee for Specified Events.
- R7G Approve Addendum to City's State Legislative Agenda for the 2008 Session. (Libbin)
- R7H Urge M-DC Board, Protect Venetian Causeway from Noise & Traffic. (Gross)
- R7I Create Special Assessment Areas, Underground Utility Lines on San Marino & Dilido Islands.
- R7J Adopt First Amendment, General/Enterprise & Internal Services Fund Budgets FY 06/07.
- R9A Board & Committee Appointments.
- R9A1 Board & Committee Appointments City Commission Appointments.
- R9A2 Nomination of Jeff Lehman to the Visitor & Convention Authority (VCA). (Bower)
- R9B1 1:30 p.m. Dr. Stanley Sutnick Citizen's Forum.
- R9B2 5:30 p.m. Dr. Stanley Sutnick Citizen's Forum.
- R9C Discuss: Supporting Petition Sponsored By Cuban American Veterans Association. (Bower)
- R9D Discuss: Reaffirm Mission Statement, Mayor's Blue Ribbon Committee for CANDO. (Bower)
- R9E Nomination of Scott Robbins & Richard Milstein to the Performing Arts Center Trust.
- A City Attorney's Status Report.
- B Parking Status Report December 2007.
- C Status Report: Rehabilitation & Construction of the New Fire Station No. 2.
- D Informational Report: Federal, State, M-DC, U.S. Communities & All Existing City Contracts.
- E1 Minutes: MPO Governing Board Meeting on December 20, 2007. (Steinberg)
- E2 Minutes: M-DCLC Board Meeting on November 1, 2007. (Steinberg)
- 1A Report: Itemized Revenues/Expenditures of RDA's City Ctr. District & S. Pointe Dec. 2007.

Meeting called to order at 3:01:22 p.m.

#### 3:02:00 p.m.

Mayor Bower recognized Florida State Senator Dave Aronberg, D, District 27. Senator Aronberg introduced himself and spoke.

#### 3:05:21 p.m.

William D, Talbert, III, President & CEO (GMCVB), as part of "customer service", he wished everyone a Happy Valentine's Day on behalf of the Bureau and gave a box of chocolates to the

Mayor, City Commissioners, City Manager, City Attorney and City Clerk.

#### ADDENDUM:

**ACTION:** Motion made by Commissioner Gross; seconded by Vice-Mayor Libbin to add items C4D and R9E as emergency items to the Commission Agenda; Voice vote: 7-0.

#### **SUPPLEMENTAL MATERIALS:**

R5H (Revised Ordinance) and R9A1 (Design Review Board – Appointment – resignation of Seraj Saba)

## **CONSENT AGENDA**

**ACTION:** Motion made by Commissioner Gross to approve the Consent Agenda; seconded by Commissioner Steinberg; Voice vote: 7-0.

## **C2 - Competitive Bid Reports**

# 3:08:50 p.m.

C2A Request For Approval To Issue A Request For Proposals (RFP) For The Lease Of The Facility Known As The "Colony Theatre Café" Located At 1040 Lincoln Road.

(Asset Management)

### **Amendment:**

Jorge Gonzalez, City Manager, stated that on page 6, Section B – change the percentage to 20%; section D – change the percentage to 25%; AND ADD A BULLET POINT: "Concept Proposed (ie. Lounge/restaurants/fine dining, etc.)" Approved via the Consent Agenda. **End** 

**ACTION**: Request authorized. Gus Lopez to issue RFP. Ana Cecilia Velasco to handle.

C2B Request For Approval To Purchase Nine (9) 2008 Bobcat Utility Vehicles, From Bobcat Company, Pursuant To Florida State Contract No. 06-14-0821A, In The Amount Of \$89,686.00. (Fleet Management)

**ACTION**: Request authorized. Drew Terpak to handle.

C2C Request For Approval To Purchase Ten (10) 2008 Ford Rangers, One (1) 2008 Ford F-150, Two (2) 2008 Ford F-250, One (1) 2008 Ford Focus And One (1) 2008 Ford E-250, From Duval Ford, Pursuant To Florida State Contract No. 06-14-0821, In The Amount Of \$211,306.00. (Fleet Management)

**ACTION**: Request authorized. Drew Terpak to handle.

C2D Request For Approval To Purchase Four (4) 2008 Ford Explorers, Two (2) 2008 Ford Explorer Sport Tracs, One (1) 2008 Ford Ranger, One (1) 2008 Ford Focus, Two (2) 2008 Ford F-150, One (1) 2008 Ford F-250 And One (1) 2008 Ford F-350, From Duval Ford, Pursuant To Florida State Contract No. 06-14-0821, In The Amount Of \$253,375.00.

(Fleet Management)

**ACTION**: Request authorized. Drew Terpak to handle.

C2E Request For Approval To Purchase One (1) 2008 Ford Explorer, Two (2) 2008 Ford F-350, Four (4) 2008 Ford F-250 And One (1) 2008 Ford E-350, From Duval Ford, Pursuant To Florida State Contract No. 06-14-0821, In The Amount Of \$175,663.00.

(Fleet Management)

**ACTION**: Request authorized. Drew Terpak to handle.

C2F Request For Approval To Accept The City Manager's Recommendations Relative To The Ranking Of Firms; Authorize Negotiations With Sharp And Xerox, Pursuant To Invitation To Bid No. 46-06/07 For The Leasing Of Copiers; And Further Authorize The Mayor And City Clerk To Execute Agreements Upon Completion Of Successful Negotiations By The Administration In The Total Estimated Amount Of \$193,000.

(Procurement)

**ACTION**: Request authorized. Gus Lopez to handle.

C2G Request For Approval To Award Contract To Various Vendors, Inc. Pursuant To Invitation To Bid 48-06/07, For The Purchase Of Electrical Supplies, In The Estimated Annual Total Of \$625,000.

(Public Works)

**ACTION**: Request authorized. Fred Beckmann to handle.

C2H Request For Approval To Issue A Request For Proposals For The Management And Operation Of The Miami Beach Convention Center, Colony Theater And Byron Carlyle Theater.

(Tourism & Cultural Development)

**ACTION**: Request authorized. Gus Lopez to issue the RFP. Max Sklar to handle.

#### C4 - Commission Committee Assignments

C4A Referral To The Finance And Citywide Projects Committee - Proposed E-Governance And Accountability Task Force.

(Requested by Commissioner Deede Weithorn)

**ACTION: Referred.** Patricia Walker to place on the committee agenda and to handle.

C4B Referral To The Neighborhoods/Community Affairs Committee - Consideration Of A Sister City Affiliation With The City Of Brampton, Ontario, Canada As Recommended By The Sister Cities International Committee.

(Neighborhood Services)

**ACTION: Referred.** Vivian Guzman to place on the committee agenda. Mayor's Office to handle.

C4C Referral To The Finance And Citywide Projects Committee A Discussion Regarding Recommendations To Update The City Investment Policy And Guidelines And Conform Them To Industry Best Practices.

(Finance Department)

**ACTION:** Referred. Patricia Walker to place on the committee agenda and to handle.

### **ADDENDUM**

C4D Referral To The Neighborhoods/Community Affairs Committee – Discussion Regarding Retail Issues And Request For City Services At 73<sup>rd</sup> – 75<sup>th</sup> Streets And Collins Avenue.

(Requested by Vice-Mayor Jerry Libbin)

**ACTION:** Referred. Vivian Guzman to place on the committee agenda. Robert Middaugh to handle.

## **C6 - Commission Committee Reports**

C6A Report Of The G.O. Bond Oversight Committee Meeting On January 7, 2008: 1) Approval Of Meeting Schedule; 2) Selection Of Chair And Vice Chair; 3) Contingency Report; 4) Project Status Report; A. Fire Station #2; 5) Project Status Report: Overview Of Active Projects; 6) Old Business; And 7) Information Items: A. Updated Calendar Of Community Events; And B. Basamid Flyer.

#### **ACTION:**

#### Item No. 1:

The Committee approved the meeting schedule for 2008, pending some changes as they decided that some meetings throughout the year may be held in alternate locations, depending on the meeting topics.

#### Item No. 2

The Committee voted Deede Weithorn as Chair and Christina Cuervo as Vice-Chair for the 2008 term.

### Item No. 3:

Mr. Jorge Cano, Assistant Director of the Capital Improvement Projects Office, informed the Committee of a change order for the Belle Isle Neighborhood project. This shows as a \$485,953.01 credit, but is a reflection of use of the P-card. It will show as a disbursement once it is reconciled.

#### Item No. 4 A:

This project is rapidly approaching substantial completion. The contractor is performing final site work, including concrete slab installation and elevator work as well as addressing small hardware issues such as doorknobs. Items that have been on backorder have been received and are currently being installed. Substantial completion is expected by early first quarter, followed by a C.O.

#### Item No. 5:

## **Beach Front Restrooms**

Construction of the 35<sup>th</sup> Street is anticipated to begin by early spring, and should last approximately one year.

21st, 46th, and 64th Street Beachfront Restrooms are complete.

#### Altos Del Mar Park

Water main installation is being completed, which will be followed by installation of the new Prepared by the City Clerk's Office Page 5 of 33

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sidewalk.

## Biscayne Point ROW

Design is past 90% and the CIP Office will hold a CDRM in early February. The project needs additional bond funding in order to proceed with construction.

### Normandy Isle / Normandie Sud Neighborhood Improvements

Construction began in December. Contractor is currently performing water main installation at Rue Versailles. Construction is anticipated to take two years.

## Normandy Shores Club House

City Administration has asked CIP to look into the feasibility of demolition rather than renovation. This will be presented at the next Finance and Citywide Planning Committee meeting.

### Normandy Shores Golf Course

Work is going well. The renovated facilities look like new construction. All structures are complete with some punchlist items to be addressed. Application of Basamid will take place on the course in mid – late January. Notices have gone out to residents and signs are being posted.

## Normandy Shores Neighborhood Improvements

An NTP was issued to Unitech, the new contractor. Work will resume the end of January on South Shore Drive and will continue to Fairway and then North Shore, with the side streets included in the sequence. There is approximately 18 months left of construction.

### North Shore Neighborhood Improvements

Design documents are proceeding toward 90%. This project requires additional funding and is on hold pending a new bond issue.

### Nautilus Neighborhood Improvements

While work continues in Orchard Park and water main installation takes place in Nautilus West, the consultant has been directed by City Administration to study flooding issues on 44<sup>th</sup> Street.

#### Scott Rakow Youth Center

Complete plans are in review as the new pool pump system is being installed.

#### Belle Isle Park

Landscape and hardscape are now being installed. The park should be completed in June.

## Belle Isle Streetscape

ROW work is nearing substantial completion. The contractor is re-striping the street in accordance with County direction. Some electrical work remains on the pump station.

## South Pointe Park

This project is nearly 40% complete and is going well. Structures are nearing completion, the cutwalk is being installed, and a temporary parking lot for the restaurant has been completed. Drainage work is well underway.

#### Item No. 6:

Not listed in the report.

### Item No. 7:

Not listed in the report.

C6B Report Of The Finance And Citywide Projects Committee Meeting On January 10, 2008: 1) Discussion Regarding The Professional Services Agreement For State Legislative Services; 2) Discussion To Determine, Within 30-Days, If It Is In The City's Best Interest To Continue With The Rehabilitation Of The Normandy Shores Golf Course Clubhouse Or Construct A New Facility; 3) Discussion Regarding The Issuance Of A Request For Proposals (RFP) For The Management And Operation Of The Miami Beach Convention Center; 4) Discussion Regarding The Issuance Of A Request For Proposals (RFP) For The Colony Theater Café, Inc.; 5) Internal Audit Division's Audited Areas For Fiscal Year 2006/2007; 6) Discussion Item: Impact On The City Of Miami Beach From The First Amendment To The Interlocal Agreement Among Miami-Dade County, City Of Miami, And The Omni Community Redevelopment Agency To Provide Financing For The Port Tunnel, Museum Park, And Performing Arts Center, As Well As Make Available City Of Miami Tourist Development Tax Dollars, Currently Budgeted For The Performing Arts Center, For City Projects, Including The City's Funding Commitment For The Florida Marlins Ballpark Project.

#### **ACTION:**

#### Item No. 1:

Chairman Saul Gross requested this item be deferred.

#### Item No. 2:

Motion made by Commissioner Tobin, and seconded by Commissioner Weithorn to authorize the Architect, Architeknics, to present the item for review at the March 2008 Design Review Board (DRB) meeting and proceed on the path of building a new Clubhouse facility. An update will be provided to the Finance & Citywide Project Committee at the March 2008 meeting.

City Clerk's note: Jorge Chartrand to handle. Patricia Walker to place item on March 2008 Committee Agenda.

#### Item No. 3:

Motion made by Commissioner Tobin and seconded by Commissioner Weithorn to issue a request for Proposal (RFP) for the management and operation of the Miami Beach Convention Center.

City Clerk's note: See Agenda item C2H – MBCC; Colony Theater & Byron Carlyle Theater

### Item No. 4:

Motion made by Chairman Gross and seconded by Commissioner Tobin to recommend that a Request for Proposal (RFP) for the Colony Theater Café be forwarded to the Commission for consideration.

City Clerk's note: See Agenda item C2H – MBCC; Colony Theater & Byron Carlyle Theater

### Item No. 5:

Report item. The annual report was given by Kathie Brooks, Director of the Office of Budget and Performance Improvement. Ms. Brooks noted that approximately half of the positions within the City's Internal Audit division are dedicated to the resort tax audit. Approximately 1,800 businesses within Miami Beach report resort taxes to the City. The City is more concerned with those larger entities such as night clubs, hotels and restaurants. For the Fiscal Year 2006/07 resort tax generated \$36,674,571. The Division was able to complete two hundred forty three resort tax audits and identify an additional \$402,267 of tax assessments. Internal Auditor, Jim Sutter, advised that the total assessments represent 0.98% of the total resort taxes audited. For internal and non-for-profit audits, a total of thirteen internal audits were completed covering areas of inventories, Police checking accounts, citywide cashier functions, beachfront concession agreements, and parking contracts. Ten sanitation audits were completed resulting in the collection of \$32,213 in fees. An additional eighteen

reviews of Parking operational areas were conducted during the year. The Division conducts a risk assessment with a schedule of frequencies showing the results of the last year. The audit plan for the following year is contingent upon the outcome of the risk assessment being high, medium or low. Additional time was taken for Hurricane FEMA grant support (\$2,674,230 recovered) and assistance to the Building Department for fees verification (\$144,415 recovered). Ms. Brooks also noted that she anticipates that in FY 2007-08 continued time will be spent on both the FEMA grant support and Building department assistance

### Item No. 6:

Report item. The City Manager provided the Committee with an update on the impact of the City of Miami Beach from the First Amendment to the Inter-local Agreement among Miami-Dade County, City of Miami, and the Omni Community Redevelopment Agency. Please see the attached LTC for a detailed report.

C6C Report Of The Land Use And Development Committee Meeting On January 24, 2008: 1) Discussion Regarding An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 118, "Administration And Review Procedures," Article IV, "Conditional Use Procedure," By Amending Section 118-193 To Amend The Procedures For Obtaining An Extension Of Time; By Amending Article VI, "Design Review Procedures," By Amending Section 118-258 To Amend The Procedures For Obtaining An Extension Of Time; By Amending Article VIII, "Procedure For Variances And Administrative Appeals," By Amending Section 118-355 To Amend The Procedures For Obtaining An Extension Of Time; By Amending Article X, "Historic Preservation", By Amending Section 118-532 To Amend The Procedures For Obtaining An Extension Of Time And By Amending Section 118-564 To Amend The Procedures For Obtaining An Extension Of Time And To Clarify The Requirements And Procedures For Obtaining A Variance From The Historic Preservation Board; Providing For Repealer, Codification, Severability And An Effective Date; 2) Discussion Regarding An Ordinance Amending Chapter 142, "Zoning Districts And Regulations," Of The City Code, By Amending Division 2, "RS-1, RS-2, RS-3, RS-4 Single Family Residential Districts," By Adding New Section 142-409 Entitled "Commercial Use Of Single Family Homes Prohibited"; Providing For Repealer, Severability, Codification And An Effective Date; 3) A Discussion Regarding Ways To Improve The City's Current Board And Committee System; 4) Discussion Regarding A Possible Change In The Number Of Warnings Given Prior To The Issuance Of A Fine, Pursuant To The City's Noise Ordinance: 5) Discussion Regarding The Issue Of Short Term Rental Of Single Family Homes; And 6) Discussion Of Potential Amendments To The Parking Ordinance.

#### **ACTION:**

#### Item No. 1:

Motion to refer the Ordinance to Commission for First Reading.

City Clerk's note: See Agenda Item R5G

### Item No. 2:

Motion: Steinberg/Libbin – Refer the Ordinance back to Commission for Second Reading. The Administration is instructed to meet with those concerned with the proposed Ordinance and continue to discuss refinements. Vote (3-0).

City Clerk's note: See Agenda Item R5E

#### Item No. 3:

Item not reached, continued to the February 11<sup>th</sup> Land Use & Development Committee meeting.

#### Item no. 4:

Item not reached.

### Item No. 5:

Item not reached, continued to the February 11<sup>th</sup> Land Use & Development Committee meeting.

#### Item No. 6:

Discussion held. Committee requested that the Administration continue to do further research and recommend alternative options to the Committee at their March meeting. The Homeowner's Associations should be invited to participate in the next discussion.

City Clerk's note: Hilda Fernandez/Robert Middaugh to handle.

Report Of The Neighborhoods/Community Affairs Committee Meeting On January 30, 2008: 1) Discussion To Deassess The "Red Sea Road" Sculpture Designed By Artist Barbara Neijna, As Recommended By The Art In Public Places Committee; 2) Discussion On Sidewalk Café Ordinance Pending Items; 3) Discussion Regarding The City Of Miami Beach's Cultural And Business Exchange Program With China; 4) Discussion Regarding Miami Beach City Code Chapter 2, Article VII, Division 3, "Lobbyists," Section 2-482 Entitled "Registration" Expanding Upon Lobbyists Registration Requirements To Include Disclosure Of Certain Contractual Relationships; 5) Discussion Regarding Amending Miami Beach City Code Chapter 2, Article VII, Division 2 Thereof Entitled "Officers, Employees And Agency Members," Section 2-459 "Certain Appearances Prohibited" By Establishing Post Public Service Lobbying Restrictions For Agency Members; 6) Discussion Regarding Proposed Amendments To The City's Campaign Finance Laws.

### **ACTION:**

#### Item No. 1:

The committee moved to defer this item for discussion to the February 27, 2008 Neighborhoods/Community Affairs Committee meeting.

#### Item No. 2:

The committee unanimously moved the ordinance for first reading to the February meeting of the City Commission.

City Clerk's note: See Agenda Item R5I

### Item No. 3:

The committee moved to refer the resolution to the city commission on the March consent agenda with an amendment that the word "repeal" is replaced with "sunset". The vote was 2-1. Vice-Mayor Libbin opposed.

City Clerk's note: Legal to handle.

### Item No. 4:

The committee unanimously voted to move the proposed ordinance to the city commission, with an amendment that the Administration is to include notification in the commission package of who is registered to lobby on each item in the Commission agenda.

City Clerk's note: See Agenda Item R5H

#### Item No. 5:

The committee moved to defer this item to Neighborhoods/Community Affairs Committee meeting scheduled for February 27, 2008 and requested this be placed as the first item for discussion.

#### Item No. 6:

The committee moved to defer this item to Neighborhoods/Community Affairs Committee meeting scheduled for February 27, 2008 and requested this be placed as the second item for discussion.

#### C7 - Resolutions

C7A A Resolution Authorizing The City Manager Or His Designee Approval To Submit The Following Grant Funding Requests: 1) Children's Trust For FY 2008/09 Funding, In An Amount Not To Exceed \$630,000 For The City's Out Of Schools Program; 2) Community Budget Issue Request Funding, In An Amount Not To Exceed \$5,000,000 For Citywide Stormwater Infrastructure Improvements; 3) Community Budget Issue Request Funding, In An Amount Not To Exceed \$35,000, For The City's Historical Archive Preservation Project; 4) Community Development Block Grant 2005 Hurricane Disaster Recovery Supplemental Funding, In An Amount Not To Exceed \$1,500,000 For The Flamingo Neighborhood Flood And Drainage Project; 5) Community Development Block Grant 2005 Hurricane Disaster Recovery Supplemental Funding, In An Amount Not To Exceed \$415,000 For The City Of Miami Beach/Miami Beach Community Development Corporation's Villa Maria Project; 6) Miami Dade County's Municipal Grant Program For FY 2009 Unified Planning Work Program Funding In An Amount Not To Exceed \$150,000 For A Transportation Economic Planning Study On Citywide Traffic Congestion; 6) Miami-Dade County For Federal Highway Administration Discretionary Program Funding, In An Amount Not To Exceed \$1,000,000 For The SR934 Bicycle And Pedestrian Improvement Project (Normandy Drive/71st Street From Dickens Avenue To West Bay Drive); And 7) Miami-Dade County For The State Of Florida Emergency Medical Services (EMS) County Grant Program For FY 2007/08 Funds, In An Amount Not To Exceed \$17,000; Further Appropriating All The Above Grants And Matching Funds, If Approved And Accepted By The City; And Authorizing The Execution Of All Necessary Documents Related To These Applications By The City Manager Or His Designee.

(Budget & Performance Improvement)

**ACTION: Resolution No. 2008-26749 adopted.** Judy Hoanshelt to handle.

City Clerk's note: Item 6) above was listed in the Agenda (Green Sheet) with the wrong title. The Commission Memorandum is correct.

#### 3:07:57 p.m.

A Resolution Approving And Authorizing The Mayor And The City Clerk To Execute Amendment No. 2 To The Agreement With QGS Development, Inc., Dated May 30, 2007, To Re-Construct The Normandy Shores Golf Course, Said Amendment Providing For The Construction Of Drainage Infrastructure On Fairway Drive, In An Amount Not To Exceed \$451,435.00; Using Previously Appropriated 2000 Stormwater Bond (428-2323) Funds For The Normandy Shores Right-Of-Way Infrastructure Improvement Project.

(Capital Improvement Projects)

ACTION: Item separated for discussion by Commissioner Tobin. Resolution No. 2008-26750 adopted via the Consent Agenda. Jorge Chartrand to handle.

Commissioner Tobin asked for the Administration to explain this item.

Jorge Gonzalez, City Manager, explained that this is an amendment to the contract and explained the item.

Tim Hemstreet, Assistant City Manager, and Jorge Chartrand, CIP Director, answered questions from both Commissioner Tobin and Commissioner Weithorn.

C7C A Resolution Approving And Authorizing The Mayor And City Clerk To Execute An Agreement With Florida Power & Light (FPL), In The Amount Of \$186,684, Plus A Contingency In The Amount Of \$30,000, For Work Associated With The Removal And Relocation Of The FPL Electrical Service Equipment From The Existing Electric Service Vault Room, In Preparation For The Renovation And Construction Of The 10<sup>th</sup> Street Auditorium/Beach Patrol Headquarters; With Previously Appropriated Funds In The Fiscal Year 2007-2008 Capital Budget In Account No. 388-2382-067357 For Construction.

(Capital Improvement Projects)

ACTION: Resolution No. 2008-26751 adopted. Jorge Chartrand to handle.

C7D A Resolution Granting And Authorizing The Mayor And City Clerk To Execute A Utility Easement In Favor Of Florida Power And Light (FPL), To Provide Electrical Service For An Underground Duct Bank To Serve The New Stormwater Pump Station, Included As Part Of The Belle Isle Neighborhood Right Of Way Improvement Project, Bid Package No. 13B.

(Capital Improvement Projects)

ACTION: Resolution No. 2008-26752 adopted. Jorge Chartrand to handle.

## 3:16:29 p.m.

C7E A Resolution Adopting The Certificate Of The Results Of The January 29, 2008 Special Election For The City Of Miami Beach, And Declaring Results Thereof.

(City Attorney's Office)

ACTION: Item separated for discussion by Mayor Bower. Resolution No. 2008-26753 adopted via the Consent Agenda.

Mayor Bower stated that the ballot question passed by 69% to 31% and it is another example that the voters are looking for controlled growth. She added that the voters are consistent in showing that they want controlled growth.

Commissioner Gross stated that in the future to write the ballot questions so the public can understand the question.

C7F A Resolution Electing Commissioner Saul Gross As Vice-Mayor For A Term Commencing On March 1, 2008, And Terminating On June 30, 2008, Or On Such Date When A New Vice-Mayor Is Thereafter Elected.

(City Clerk's Office)

ACTION: Resolution No. 2008-26754 adopted. R. Parcher to handle.

- C7G Re-Appointment of Chief Special Master:
  - 1. A Resolution Accepting The Recommendation Of The City Manager, Pursuant To Section 30-36 Of The Code Of The City Of Miami Beach, Concerning The Re-Appointment Of Judge Mario P. Goderich, To Serve As Chief Special Master, For A Term Commencing On March 5, 2008, And Ending On September 4, 2008; Provided Further That Chief Special Master, Judge Goderich Shall Be Authorized To Hold Hearings And Impose Fines, Liens And Other Non-Criminal Penalties Against Violators Of The City And County Codes And Ordinances, And Shall Also Be Authorized To Appoint Such Other Special Masters As May Reasonably Be Required To Conduct The Subject Hearings; And Further Incorporating All Other Matters Set Forth Within Chapter 30 Of The City Code, Including, Without Limitation, Sections 30-37 And 30-38 Thereof, Concerning The Compensation And Duties Of The Chief Special Master.

ACTION: Resolution No. 2008-26755 adopted. R. Parcher to handle.

2. A Resolution Approving And Re-Appointing, Pursuant To Section 102-356 Of The City Code, Judge Mario P. Goderich, (Chief Special Master Re-Appointed Pursuant To Resolution No. (2008-26755), As The City Manager's "Designee" Under Section 102-356 Of The City Code; Said Designation Commencing With Judge Goderich's Term As Chief Special Master On March 5, 2008, And Ending On September 4, 2008.

(City Clerk's Office)

ACTION: Resolution No. 2008-26756 adopted. R. Parcher to handle.

C7H A Resolution Approving The Assignment Of The Governmental Services Agreement By And Between The City And Jorden, Burt, LLP, For Federal Legislative Services, To The MWW Group; And Further Authorizing The Mayor And City Clerk To Execute A Consent To Assignment Effective As Of February 1, 2008.

(Economic Development)

ACTION: Resolution No. 2008-26757 adopted. Kevin Crowder to handle.

Handout or Reference Material

- 1. Email from David R. Custin, President, David R. Custin & Associates, Inc, dated February 11, 2008
- C7I A Resolution Approving, Pursuant To Section 2-367 (D) Of The Miami Beach City Code, The Sole Source Purchase Of Two (2) Lifepak 12 Defibrillator Monitors From Physio Control, Inc, Currently In Use By The Fire Rescue Division, To Be Placed On Two (2) Advanced Life Support Response Units, In The Amount Of \$40,335.99.

(Fire Department)

ACTION: Resolution No. 2008-26758 adopted. Chief Del Favero to handle.

C7J A Resolution Approving The Purchase Of Manifold Assemblies, Water Meters, Automatic Meter Reading Systems And Parts, From Sensus Metering Systems, Inc., In The Estimated Annual Amount Of \$45,000.

(Public Works)

**ACTION: Resolution No. 2008-26759 adopted**. Fred Beckmann to handle.

C7K A Resolution Waiving Space Rental Charges, In The Amount Of \$24,000, And Parking Fees, For The Bots IQ Competition To Be Held April 26 - May 6, 2008, At The Miami Beach Convention Center.

(Tourism & Cultural Development)

ACTION: Resolution No. 2008-26760 adopted. Max Sklar to handle.

C7L A Resolution Approving The Settlement Of City Liens On Real Property Located At 524 Ocean Drive, Miami Beach, Florida, Resulting From Resort Tax Liens, City Bills, Special Master Cases, And Other Code Violations (See Attachment A) And Providing That Said Liens, In The Amount Of \$344,544.33 Plus Interest, Be Settled For The Amount Of \$85,000.00; And Further Authorizing The City Manager To Take Such Action(s) And Execute Any And All Necessary Documents To Complete Such Lien Releases And Settlement.

(City Manager's Office)

**ACTION: Resolution No. 2008-26761 adopted**. R. Parcher to release the lien. Robert Middaugh to handle.

### **End of Consent Agenda**

## **REGULAR AGENDA**

### **R5 - Ordinances**

## 4:10:29 p.m.

An Ordinance Amending Miami Beach City Code Chapter 102, Entitled "Taxation;" By Amending Article V, Therein, Entitled "Local Business Tax;" Amending Section 102-379, Therein, Entitled "Schedule Of Taxes," By Adding Additional Business Tax Receipt Codes And Clarifying Language; Providing For Severability, Codification, And An Effective Date. 10:15 a.m. Second Reading Public Hearing.

(Finance Department)
(Continued from December 12, 2007)

**ACTION:** Public Hearing held. Ordinance No. 2008-3594 adopted as amended. Motion made by Commissioner Steinberg; seconded by Commissioner Gross; Ballot vote: 7-0. R. Parcher to transmit to Municipal Code. **Patricia Walker to handle.** 

### Amendments were listed as correction on the Time Certain List:

Page 266 - delete Occupation Code #95240000 Page 270 - delete Occupation Code #95009101 Page 271 - delete Occupation Code #95240019

End

Jorge Gonzalez, City Manager, stated for the record, that the Time-Certain-List under "Corrections" identifies several categories that should have been deleted.

Commissioner Gross stated that the Finance and Citywide Project Committee asked the Administration to try to simplify the categories. **Patricia Walker to handle.** 

### 4:13:07 p.m.

An Ordinance Amending Section 41-50 Of Chapter 41, Article V Of The Code Of The City Of Miami Beach Relating To Resort Tax; Requiring That, As Of The Effective Date Provided Therein, Resort Tax May Be Filed And Paid Online At No Charge, And Any Manual Filing And/Or Payment Transaction Will Be Assessed A \$25.00 Processing Fee; Providing For Severability, Repealer, Codification, And An Effective Date. 10:20 a.m. Second Reading Public Hearing.

(Finance Department)
(First Reading on January 16, 2008)

**ACTION:** Public Hearing held. Ordinance No. 2008-3595 adopted. Motion made by Commissioner Steinberg; seconded by Commissioner Weithorn; Ballot vote: 7-0. R. Parcher to transmit to Municipal Code. Patricia Walker to handle.

Handout or Reference Materials:

1. Ad in The Miami Herald – Ad # 476

### 4:14:24 p.m.

An Ordinance Amending Part II: Goals, Objectives And Policies Of The City Of Miami Beach Comprehensive Plan, As Amended, By Adding A New Element Entitled "Public School Facilities Element," And Amending The Intergovernmental Coordination Element And The Capital Improvements Element, Where Necessary, To Implement Changes To Florida's 2005 Growth Management Laws Addressing Public School Facilities. <a href="https://doi.org/10.1001/journal.com/">11:30 a.m. Second Reading Public Hearing</a>

(Planning Department)
(First Reading on September 5, 2007)

ACTION: Item heard in conjunction with R7B. Public Hearing held. Ordinance No. 2008-3596 adopted. Motion made by Commissioner Gross; seconded by Commissioner Wolfson; Ballot vote: 7-0. Jorge Gomez to transmit all applicable documents to the Department of Community Affairs (DCA) and other required reviewing agencies.

Handout or Reference Materials:

1. Ad in The Miami Herald – Ad # 475

## 7:14:58 p.m.

R5D Demolition Evaluation Criteria

An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 118, "Administration And Review Procedures," Article X, "Historic Preservation", Division 3, "Issuance Of Certificate Of Appropriateness/Certificate To Dig/Certificate Of Appropriateness For Demolition", By Amending Section 118-562 To Clarify And Update Certain Procedures And Requirements Pertaining To The Issuance Of A Certificate Of Appropriateness For Demolition, And By Amending Section 118-564 To Modify The Evaluation Criteria For A Certificate Of Appropriateness For Demolition; Providing For Repealer, Codification, Severability And An Effective Date. **5:00 p.m. Second Reading Public Hearing.** 

(Planning Department) (First Reading on January 16, 2008)

**ACTION:** Public Hearing held. Ordinance No. 2008-3597 adopted. Motion made by Commissioner Gross; seconded by Vice-Mayor Libbin; Ballot vote: 7-0. R. Parcher to transmit to Municipal Code. **Jorge Gomez to handle.** 

Commissioner Tobin stated that one of the evaluation criteria is being eliminated and asked for an explanation.

Jorge Gomez, Planning Director, explained that financial feasibility study is being eliminated because it is no longer needed and is not being used. He explained why.

Discussion continued.

Bill Farkas, MDPL Executive Director, spoke.

Handout or Reference Materials:

1. Ad in The Miami Herald – Ad # 476

## 5:43:56 p.m.

An Ordinance Amending Chapter 142, "Zoning Districts And Regulations," Of The City Code, By Amending Division 2, "RS-1, RS-2, RS-3, RS-4 Single-Family Residential Districts," By Adding New Section 142-109 Entitled "Commercial Use Of Single Family Homes Prohibited"; Providing For Repealer, Severability, Codification And An Effective Date. 5:01 p.m. Second Reading Public Hearing.

(City Manager's Office) (First Reading on January 16, 2008)

**ACTION:** Public Hearing held. Ordinance No. 2008-3598 adopted as amended. . Motion made by Commissioner Gross; seconded by Commissioner Wolfson; Ballot vote: 7-0. R. Parcher to transmit to Municipal Code. **Hilda Fernandez to handle.** 

#### Amendment:

- 1) Fine schedule to be on an 18-month rolling schedule
- 2) Section 142-109(d)(1), after the fine schedule: "Fines for repeat violations shall increase regardless of location." and (d)(4) add to the end re: courtesy notices: "regardless of location." **End**

Hilda Fernandez, Assistant City Manager, requested to incorporate into the record all previous testimony on this ordinance and introduced the item.

Richard Freeman spoke.
Daniel Davidson spoke.
Aaron Resnick, Esq.
Alex Heckler spoke.
Dr. Bill Roy spoke.
Tim Rose spoke.
Frank Del Vecchio spoke.

Hilda Fernandez, Assistant City Manager, asked the Commission if they wanted the fine schedule to be on an 18-month rolling schedule similar to noise violation or as presented in the ordinance; a 12-month calendar year schedule.

Commissioner Gross recommended the 18-month rolling schedule.

Hilda Fernandez, Assistant City Manager, stated that the additional amendments are in Section 142-109(d)(1), after the fine schedule: "Fines for repeat violations shall increase regardless of location." and (d)(4) add to the end re: courtesy notices: "regardless of location."

Jorge Gonzalez, City Manager, thanked Hilda Fernandez for her efforts on this project.

Jose Smith, City Attorney, thanked Gary Held.

Handout or Reference Materials:

1. Ad in The Miami Herald – Ad # 476

### 7:38:36 p.m.

R5F Accessory Bars & Restaurants In RPS Districts

An Ordinance Amendment To The Code Of The City Of Miami Beach, Amending Chapter 142, "Zoning Districts And Regulations," Article II, "District Regulations," Division 18, "PS Performance Standard District," Section 142-693 "Permitted Uses," By Restricting The Size Of Bars And Restaurants As Accessory Use To A Main Permitted Use In The R-PS1, R-PS2, R-PS3 AND R-PS4 Zoning Districts. **5:15 p.m. First Reading Public Hearing**.

(Planning Department)

ACTION: First of two Public Hearings held. Ordinance approved on First Reading as amended. Motion made by Commissioner Steinberg; seconded by Commissioner Weithorn; Ballot vote: 7-0. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Jorge Gomez to handle.

#### Amendments:

- 1) Regarding "occupancy load" add language as determined by the Planning Director;
- 2) Accept conditional uses under the forgoing referenced procedure shall not exceed twice the number of seats or patron occupant load allowable under this section.

  End

Jorge Gomez, Planning Director, introduced the item.

Carter McDowell Esq. spoke.
David Kelsey spoke.
Frederic Rado spoke.

Frank Del Vecchio offered several amendments.

Bill Farkas, MDPL Executive Director, spoke.

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Discussion continued.

#### Motion #1:

Motion made by Commissioner Steinberg to approve the ordinance with the following amendments: 1) Regarding "occupancy load" add language as determined by the planning director, 2) 3 seats per hotel room; 3) between the first and second reading direct staff to develop language that will provide, as a matter of right, rooms that are not used at the same time for two different restaurants (no more than two); and 4) restaurants must be in-doors, and if violated a conditional use would need to be approved; seconded by Vice-Mayor Libbin.

Discussion continued.

Vice-Mayor Libbin withdrew his second to the motion.

#### Motion #2

Motion made by Commissioner Steinberg to adopt the ordinance with the following amendments: 1) Regarding "occupancy load" add language as determined by the Planning Director; 2) Accept conditional uses under the foregoing referenced procedure shall not exceed three twice the number of seats or patron occupant load allowable under this section; seconded by Commissioner Weithorn.

Commissioner Gross requested to change the three to twice as listed above.

### Handout or Reference Materials:

- 1. Ad in The Miami Herald Ad # 477
- 2. Color & b&w aerial map highlighting RPS zones 1-4.

### 8:48:31 p.m.

R5G Extensions Of Time

An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 118, "Administration And Review Procedures," Article IV, "Conditional Use Procedure," By Amending Section 118-193 To Amend The Procedures For Obtaining An Extension Of Time; By Amending Article VI, "Design Review Procedures," By Amending Section 118-258 To Amend The Procedures For Obtaining An Extension Of Time; By Amending Article VIII, "Procedure For Variances And Administrative Appeals," By Amending Section 118-355 To Amend The Procedures For Obtaining An Extension Of Time; By Amending Article X, "Historic Preservation", By Amending Section 118-532 To Amend The Procedures For Obtaining An Extension Of Time And By Amending Section 118-564 To Amend The Procedures For Obtaining An Extension Of Time And To Clarify The Requirements And Procedures For Obtaining A Variance From The Historic Preservation Board; Providing For Repealer, Codification, Severability And An Effective Date. First Reading,

(Planning Department)

**ACTION:** Ordinance approved on First Reading. Motion made by Commissioner Steinberg; seconded by Vice-Mayor Libbin; Ballot vote: 7-0. Second Reading and Public Hearing scheduled for March 12, 2008. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. **Jorge Gomez to handle.** 

Thomas Mooney, Planning Department Preservation and Design Manager, introduced the item. Neisen Kasdin, Esq., representing the Monte Carlo property, spoke.

## 9:09:48 p.m.

# **Supplemental Material Revised Ordinance**

H An Ordinance Amending Miami Beach City Code Chapter 2, Article VII, Division 3 "Lobbyists," Section 2-482 Thereof Entitled "Registration" By Expanding Upon Lobbyists Registration Requirements To Include Disclosure Of Certain Contractual Relationships; Providing For Repealer, Severability, Codification, And An Effective Date.
First Reading.

(Requested by Vice-Mayor Jerry Libbin/City Attorney's Office)

**ACTION:** Ordinance in the Supplemental Agenda approved on First Reading. Motion made by Vice-Mayor Libbin to approve the ordinance with the language Commissioner Steinberg submitted via the Supplemental Materials; seconded by Commissioner Wolfson; Ballot vote: 7-0. Second Reading and Public Hearing scheduled for March 12, 2008. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. **Legal Department to handle.** 

The issue of campaign contributions referred to the Neighborhoods/Community Affairs Committee. **Vivian Guzman to place on the committee agenda. Legal to handle.** 

Robert Parcher, City Clerk, stated that Vice-Mayor Libbin's version of the ordinance is in the Agenda and Commissioner Steinberg's amendments are provided in the Supplemental Materials.

Vice-Mayor Libbin introduced the item and asked Ms. Olin to explain the ordinance.

Jean Olin, Special Counsel, explained the ordinance.

Commissioner Steinberg explained the amendments he made to the ordinance.

Mayor Bower stated that if a commissioner is running for an office other than a city office, Miami Beach's prohibited campaign contribution ordinances do not apply to a sitting commissioner. Sitting commissioners, regardless of what office they are seeking, should be prohibited from taking contributions from City vendors. Although a commissioner is seeking another office, the commissioner is still voting on issues coming before this commission.

Commissioner Weithorn referred this issue to the Neighborhoods/Community Affairs Committee. **Vivian Guzman to place on the committee agenda. Legal to handle.** 

### 3:43:49 p.m.

DEI An

An Ordinance Amending The City's Sidewalk Café Ordinance, As Codified In Sections 82-366 Through 82-385 Of The City Code; Providing For Repealer, Codification, Severability, And An Effective Date. **First Reading.** 

(Public Works)

**ACTION:** Ordinance approved on First Reading as amended. Motion made by Commissioner Tobin; seconded by Commissioner Wolfson; Ballot vote: 7-0. Second Reading and Public Hearing scheduled for March 12, 2008. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. **Fred Beckmann to handle.** 

### **Amendments:**

- 1. Amend the 14 foot-wide clear path to 12 feet for emergency and maintenance vehicular
- 2. Clarify in the ordinance that at least the first floor must be a café or restaurant in order to take advantage of the sidewalk area.

  End

Fred Beckmann, Public Works Director, introduced the item.

Commissioner Gross congratulated Commissioner Tobin for coming up with the improvements that will allow the City Manager to tailor the particular dimensions of the outdoor café for use by the restaurant.

Discussion held.

Commissioner Gross asked if there can be a café associated with a non-ground floor use on Lincoln Road.

Jorge Gonzalez, City Manager, stated that the ordinance does not address this issue.

Commissioner Gross stated that the ordinance should be amended to clarify that at least the first floor must be a café or restaurant in order to take advantage of the sidewalk area.

Commissioner Tobin thanked Fred Beckmann, Raul Aguila, and Mario Pina for their hard work on this ordinance and trying to help the Lincoln Road business people.

### **R7 - Resolutions**

### 4:16:44 p.m.

A Resolution To Consider Following A Duly Noticed Public Hearing On February 13, 2008, An After-The-Fact Revocable Permit Request By Mr. Carlo Gambino, As Owner Of The Residential Property Located At 5600 La Gorce Drive, To Retain The Eastern Portion Of An In Ground Swimming Pool And At Grade Concrete Pool Deck, A Portion Of Which Is Constructed Over The Rear Platted Five (5) Foot Public Utility Easement Adjacent To The La Gorce Golf Course. 11:00 a.m. Public Hearing. (Public Works)

(Continued from December 12, 2007)

**ACTION:** Public hearing opened and continued to April 16, 2008 at 11:00 a.m. and referred to the Land Use and Development Committee; and at the March 12 Commission Meeting the Legal Department to hold a Client/Attorney Session to brief the Commission on the technical issues and the status of the La Gorce lawsuit. **Motion made by Commissioner Weithorn; seconded by Commissioner Wolfson; Voice vote: 7-0. Fred Beckmann to handle.** 

Michael Larkin, Esq., representing Carlo Gambino, presented on behalf of the applicant.

Lisa Halloran, a neighbor, spoke.

Questions and answers followed.

Mr. Carlo Gambino, 5600 La Gorce, spoke.

Raul Aguila, Deputy City Attorney, reiterated that staff is recommending to deny this permit because the applicant has not satisfied the criteria for granting a revocable permit under the ordinance. In the alternative, staff is recommending that this item be deferred and that the land use issues associated with the permit applications be considered by the land use boards as deemed appropriate.

Discussion continued.

Commissioner Gross asked the City Commission if it desires to solve this specific issue or should the Commission try to resolve the global land use issue.

Raul Aguila, Deputy City Attorney, stated that if the City Commission is inclined to grant the permit today to make the approval subject to the condition that the permit then proceeds to the land use boards in order to conform the encroachment with applicable zoning.

Discussion continued.

Jorge Gonzalez, City Manager, stated that the issue before the Commission is the revocable permit. The City Commission can render a definite "no" or halfway toward "yes." If the revocable permit is approved then there needs to be zoning changes, if the permit is denied, no zoning changes are needed.

Raul Aguila, Deputy City Attorney, stated that there are really two primary issues: 1) the pool is built over an existing City utility easement; and 2) the pool as it was built does not conform to the current zoning.

Discussion continued.

Motion made by Commissioner Steinberg to continue the public hearing on the revocable permit and Prepared by the City Clerk's Office Page 20 of 33

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refer the larger issue of what can be built in the easements throughout the district or in limited portions of the districts to the Land Use and/or Planning Board, whichever is appropriate. No second offered.

Discussion continued.

Fred Beckmann, Public Works Director, presented the Administration's position.

Motion made by Commissioner Gross to continue this issue until the litigation is settled; seconded by Commissioner Wolfson. No vote taken.

Discussion continued.

Commissioner Wolfson stated that he heard Mr. Gambino stated that he was at meetings where it was discussed what could and could not be done with the property he purchased from the La Gorce Country Club, but he went ahead and did it anyway.

Jorge Gonzalez, City Manager, stated that at the meetings if Mr. Gambino didn't receive the approval and understood that the purchase of the land was for lawn furniture only, he should not have applied for the permit.

Discussion continued.

Commissioner Wolfson withdrew his second to Commissioner's Gross motion.

Motion made by Commissioner Weithorn; seconded by Commissioner Wolfson, to open and continue this item until it has been reviewed by the Land Use and Development Committee and having a detailed discussion with Legal and the City Manager prior to the referral to cover technical issues [April 16, 2008 Commission Meeting at 11:00 a. m.].

Discussion continued.

Jose Smith, City Attorney, explained that the appropriate motion today would be to defer this item, give the City sometime to talk to the applicant, the City Attorney and City Manager will have further discussion and brief the Commission on the legal issues privately, and then refer to the LUDC.

Commissioner Tobin brought up equitable estoppel regarding the City issuing the permit.

Commissioner Gross offered an amendment to the motion, and requested that the City Attorney update the City Commission on where the City is with the litigation at a Client/Attorney Session.

Raul Aguila, Deputy City Attorney, clarified that he wants the applicant to stipulate that if the fence, landscaping, and tank have not already been removed that they will be.

Michael Larkin, Esq., stated that the stop work order may prevent the removal of the underground storage tank, but he didn't think it would prevent the removal of the fence and landscaping. He added that he is happy to do it.

Richard McConachie, Assistant Building Official, stated that the City would allow the tank to be removed.

### Handout or Reference Materials:

- 1. Easement Exhibit E submitted by Michael Larkin, Esq.
- 2. Gambino Residence Revocable Permit Application book by Bercow Radell & Fernandez.

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### 4:14:24 p.m.

A Resolution Authorizing The Mayor And City Clerk To Execute An Amended And Restated Interlocal Agreement, Between The Miami-Dade County School Board, And All Local Governments Within Miami-Dade County, As Required By The Florida Legislature, In Order To Improve Coordination Between Local Government Land Use Planning And School Board Facilities Planning, And Other Related Matters, And To Execute Such Other Documents As May Be Necessary To Carry Out The Intent Hereof. 11:30 a.m. Public Hearing.

(Planning Department)

ACTION: Item heard in conjunction with R5C. Public Hearing held. Resolution No. 2008-26762 adopted. Motion made by Commissioner Weithorn; seconded by Commissioner Gross; Voice vote: 7-0. Jorge Gomez to handle.

Handout or Reference Materials:

1. Ad in The Miami Herald – Ad # 475

### 9:21:48 p.m.

R7C Normandy Shores Golf Course

A Resolution Approving And Authorizing The Mayor And The City Clerk To Execute Amendment No. 3 To The Existing Agreement With Architeknics, Inc., For Demolition Design, Design, And Construction Administration Of A Replica Club House At The Normandy Shores Golf Course, In A Negotiated Amount Not To Exceed \$274,500; Funding Is Available As Follows: \$62,000 From Capital Reserve Account 304-2273-061357 Appropriated In The Capital Budget Fiscal Year 2007/2008 For Design; \$212,500 From Capital Reserve Account 304-2273-000356 Appropriated In The Capital Budget Fiscal Year 2007/2008 For Contingency To Be Transferred To Design.

**ACTION:** Resolution No. 2008-26763 adopted. Motion made by Commissioner Tobin; seconded by Commissioner Weithorn; Voice vote: 7-0. Jorge Chartrand to handle.

City Clerk's note – it was discovered that the Resolution in the City Commission Agenda was not the most recent Resolution. The Commission Memorandum information was correct. This change is considered a scribner's error and the corrected resolution was processed.

Agenda Resolution Amount	Correct Amount
\$274,500	\$145,599
\$ 62,000	\$ 62,500
\$212,500	\$ 83,500

A Resolution Approving And Authorizing The Mayor And The City Clerk To Execute Amendment No. 3 To The Agreement With Coastal Construction Company, Dated August 2, 2007, For Pre-Construction Services; Said Amendment For Demolition Of The Existing Club House And For Additional Pre-Construction Services During Design Of An Identical Club House At The Normandy Shores Golf Course, In A Negotiated Amount Not To Exceed \$130,000; Using Funds In The Capital Reserve Fund 304, Previously Appropriated In The Fiscal Year 2007/2008capital Budget.

(Capital Improvement Projects)

**ACTION:** Resolution No. 2008-26764 adopted. Motion made by Commissioner Tobin; seconded by Commissioner Weithorn; Voice vote: 7-0. Jorge Chartrand to handle.

Jorge Gonzalez, City Manager, introduced the items and stated that the City's Design Review Board approved the City's application to demolish and replicate the facility rather than to continue with the renovation project. Commissioner Tobin and staff helped to make this project move forward. It is important that this project continues to move expeditiously and this item is being presented to the City Commission even though the proposed prices have not been fully negotiated by the Administration, the architect, and the contractor. He anticipates the final figures to be reduced.

Commissioner Tobin stated that there is no way the City will spend \$274,500. The Administration will negotiate this price down.

Jorge Chartrand, CIP Director, stated that the \$274,500 has already been reduced to \$145,500.

Commissioner Gross thanked Commissioner Tobin for all of his work on this project.

#### 9:33:56 p.m.

R7D A Resolution Approving The City's FY 2009 Federal Legislative Agenda. (Economic Development)

**ACTION:** Resolution No. 2008-26765 adopted. Motion made by Commissioner Steinberg; seconded by Commissioner Weithorn; Voice vote: 7-0. **Kevin Crowder to handle.** 

## 5:32:48 p.m.

R7E A Resolution Authorizing The City To Enter Into An Equipment Lease Line Of Credit In An Aggregate Principal Amount Not To Exceed \$37,500,000 With Suntrust Equipment Finance & Leasing Corp.; Authorizing The Execution And Delivery Of A Final Terms Sheet And A Master Equipment Lease Agreement In Connection Therewith; Authorizing The Refinancing Of Certain Equipment, The Lease And Purchase Of Additional Equipment And The Payment Of Related Costs Of Issuance And The Execution Of Schedules With Respect To Such Equipment; Authorizing The Execution Of Such Other Documents As May Be Necessary To Complete The Transactions Contemplated Hereby; Declaring The City's Official Intent To Enter Into Leases To Reimburse Itself For Funds Advanced For The Purchase Of Equipment; And Providing An Effective Date.

(Finance Department)

**ACTION:** Resolution No. 2008-26766 adopted. Motion made by Commissioner Steinberg; seconded by Commissioner Weithorn; Voice vote: 7-0. Patricia Walker to handle.

### 3:19:29 p.m.

R7F A Resolution Approving An Amendment To The Concession Agreement With First Class Parking, Inc./Gold Star Parking, Inc. Increasing The Valet Parking Fee From \$15.00 To \$20.00 For Specified Events.

(Parking Department)

**ACTION:** Resolution No. 2008-26767 adopted. Motion made by Commissioner Weithorn to approve the Resolution; seconded by Vice-Mayor Libbin; Voice vote: 5-2; Opposed: Commissioners Tobin and Wolfson. Saul Frances to handle.

Saul Frances, Parking Department Director, introduced the item.

Gerald Schwartz, Esq. spoke.

Commissioner Steinberg requested that the Administration work with Miami Beach Senior High to see if it is possible to use their parking lot for valet parking when it is not in use but not during the Boat Show and Auto Show. **Saul Frances to handle.** 

Discussion continued.

#### Motion #1:

Motion made by Commissioner Tobin to amend the resolution so that residents pay \$15 and non-residents pay \$20; seconded by Commissioner Wolfson; Voice vote: 2-5; Opposed: Mayor Bower, Vice-Mayor Libbin, and Commissioners Gross, Steinberg, and Weithorn.

#### Motion #2:

Motion made by Commissioner Tobin to amend the resolution pertaining to the new \$5 fee, that the City gets 60% and the vendor 40%; seconded by Commissioner Wolfson; Voice vote: 2-5; Opposed: Mayor Bower, Vice-Mayor Libbin, and Commissioners Gross, Steinberg, and Weithorn.

### Motion #3:

Motion made by Commissioner Weithorn to approve the Resolution; seconded by Vice-Mayor Libbin; Voice vote: 5-2; Opposed: Commissioners Tobin and Wolfson.

## 9:34:17 p.m.

R7G A Resolution Approving An Addendum To The City's State Legislative Agenda For The 2008 Session Of The Florida Legislature.

(Requested by Vice-Mayor Jerry Libbin/City Attorney's Office)

**ACTION:** Resolution No. 2008-26768 adopted. Motion made by Vice-Mayor Libbin; seconded by Commissioner Steinberg; Voice vote: 7-0. Kevin Crowder to handle.

City Clerk's note: Amendment to the legislative agenda would allow local governments to regulate the sales of single can of beer in package and convenience stores.

### 5:41:27 p.m.

R7H A Resolution Urging The Miami-Dade County Board Of County Commissioners To Include Provisions In The Port Tunnel Plans To Protect The Historic Venetian Causeway From Noise And Traffic. (Requested by Commissioner Saul Gross/City Attorney's Office)

**ACTION:** Resolution No. 2008-26769 adopted with a referral of the tunnel discussion to the Land Use and Development Committee (LUDC). Motion made by Commissioner Gross; seconded by Commissioner Wolfson; Voice vote: 7-0. Robert Parcher to transmit the resolution to the Miami-Dade County Board of County Commissioners. Jorge Gomez to place on the Committee Agenda. Robert Middaugh to handle.

Motion made by Commissioner Gross to adopt the resolution and refer the issue of the tunnel to the Land Use and Development Committee. He added that one of the engineers gave testimony that in the engineer's opinion the engineer thought there would be considerable cost overruns at the County's expense because of soil conditions.

Jorge Gonzalez, City Manager, stated that he will try to get someone from the County to come to the LUDC meeting to explain the project.

Commissioner Gross asked that the engineer who predicts the cost overruns also attend the LUDC meeting.

## 5:33:52 p.m.

R7I A Resolution Authorizing The Administration And City Attorney's Office To Proceed With The Creation Of Special Assessment Areas, Also Known As Special Assessment Districts, Pursuant To The Provisions Provided In Chapter 170 Of The Florida Statutes, For The Purpose Of Funding The Relocation Of Overhead Utility Lines Underground On San Marino And Dilido Islands Pursuant To The Written Request Of The Property Owners Of Those Islands; And Authorizing The City Manager Or His Designee, To Make All Necessary Preparations To Implement This Intent.

(City Manager's Office)

**ACTION:** Resolution No. 2008-26770 adopted. Motion made by Vice-Mayor Libbin; seconded by Commissioner Gross; Voice vote: 7-0. Robert Middaugh and the Legal Department to handle.

Robert Middaugh, Assistant City Manager, introduced the item.

Colgate Darden, President of the Venetian Island Homeowners Association, spoke.

Jorge Gonzalez, City Manager, stated that the residents have been working hard on this issue, but stated as a cautionary note that there have been a lot of discussions regarding property tax reform. Most citizens look at the bottom-line. This special assessment will be on the tax bill.

### Handout or Reference Materials

1. Bound document titled: "Venetian Islands Homeowners Association" dated January 16, 2008, submitted by Colgate Darden, President, Venetian Island Homeowners Association – Petitions

### 9:35:32 p.m.

R7J A Resolution Adopting The First Amendment To The General, Enterprise And Internal Services Fund Budgets For Fiscal Year (FY) 2006/2007 To Appropriate Prior Year Encumbrances And Amend Certain Budgets.

(Budget & Performance Improvement)

ACTION: Resolution No. 2008-26771 adopted subject to the requirement that staff prepares the analysis that justifies the expenditures. Motion made by Commissioner Gross; seconded by Commissioner Wolfson; Voice vote: 7-0. Kathie Brooks to handle.

Jorge Gonzalez, City Manager, explained that \$10 million out of the \$15 million is going into the Capital Reserve Fund, which is where projects that come in higher than expected or changes in scope require additional money are funded. The balance of the money is being used to fully fund the educational compact commitments or start to meet more of the GASB 45 Retirees Health requirements, or to meet additional expenditures identified by the CDT audit and the annual \$1 million to Risk Management fund. This fund needs to be balanced or closed to being balanced before the meeting with the Wall Street rating agencies.

Vice-Mayor Libbin talked about the \$6 million which was generated because of the new system that has been implemented by the Building Department.

Commissioner Gross stated that he understands that the money generated in the Building Department must stay in the Building Department. He asked the City Manager to explain how he can spend this money in capital improvement projects.

Jorge Gonzalez, City Manager, explained that the money does not necessarily have to stay in the Building Department; it can be used for expenses associated with the building development process. The City incorporates into this process more than just the Building Department; there are costs associated with Public Works, Planning Department, etc. He can give an accounting of the projects and the monies.

Commissioner Gross stated that the accounting doesn't need to be to the penny but \$6.5 million is a lot of money and asked when the study for lowering the fees will be completed.

Jorge Gonzalez, City Manager, stated that the issue of lowering the fees will be looked at later in the fiscal year. He stated that as specified in the LTC distributed prior to the meeting, the City is contemplating having a consultant do a rate study and not just from a fee and collection perspective but also the volume. The bulk of this money is for projects that have been approved three to five years ago and are now coming to completion. He stated that he does not want to artificially lower the rates thinking that this money will continue to come in. Theoretically it will correct itself since the money will be collected at the time of the application versus at closing. He added that he will provide an accounting of the \$6.5 million via LTC.

Motion made by Commissioner Gross to adopt the Resolution subject to the requirement that staff prepares the analysis that justifies the expenditures; seconded by Commissioner Wolfson; Voice vote: 7-0.

### **R9 - New Business and Commission Requests**

R9A Board And Committee Appointments.

(City Clerk's Office)

**ACTION:** 

**Budget Advisory Committee:** 

Leonard Wein Term expires 12/31/09 Appointed by Commissioner Steinberg TL12/13

**Community Development Advisory Committee:** 

Mark Hayes Term expires 12/31/09 Appointed by Commissioner Wolfson TL12/15

Marta Martinez-Aleman Term expires 12/31/09 Appointed by Mayor Bower TL12/13

Steven Gonzalez Term expires 12/31/08 Appointed by Commissioner Wolfson TL12/15

**Community Relations Board:** 

Jeffery Gibbs Term expires 12/31/09 Appointed by Jorge M. Gonzalez TL12/14

**Convention Center Advisory Board:** 

Ivor Rose Term expires 12/31/09 Appointed by Commissioner Wolfson 12/10

**Debarment Committee** 

Joe Hagen Term expires 12/31/09 Appointed by Commissioner Wolfson TL12/15

**Disability Access Committee:** 

Lee Weiss Term expires 12/31/08 Appointed by Mayor Bower TL12/15

Fine Arts Board:

Lea Klein Term expires 12/31/08 Appointed by Commissioner Wolfson TL12/15
Daniel Vietia Term expires 12/31/09 Appointed by Commissioner Libbin TL12/13

Carrie Wiesenfeld Term expires 12/31/09 Appointed by Mayor Bower TL12/15

Miami Beach Commission For Women:

Beverly Heller Term expires 12/31/09 Appointed by Commissioner Steinberg TL12/15

**Public Safety Advisory Committee:** 

Joe Conway Term expires 12/31/08 Appointed by Commissioner Wolfson TL12/15

**Transportation and Parking Committee:** 

Al Feola Term expires 12/31/08 Representative from the Ocean Drive Association
Delvin Fruit Term expires 12/31/09 representative from Middle Beach Association

Wendy Kallergis Term expires 12/31/09 Representative from the MB Chamber of Commerce

**Visitors and Convention Authority:** 

Jeff Lehman Term expires 12/31/09 Appointed by City Commission TL 12/13

## Mayor's Blue Ribbon Committee For The Cultural Arts Neighborhood District Overlay (CANDO)

Ron Bloomberg	Term expires 2/13/2009	Appointed by Mayor Bower
MacDara Bohan	Term expires 2/13/2009	Appointed by Mayor Bower
Ray Breslin	Term expires 2/13/2009	Appointed by Mayor Bower
Laura Jamieson	Term expires 2/13/2009	Appointed by Mayor Bower
Nancy Liebman	Term expires 2/13/2009	Appointed by Mayor Bower
Robert Wennett	Term expires 2/13/2009	Appointed by Mayor Bower
Paul Woehrle	Term expires 2/13/2009	Appointed by Mayor Bower

### Supplemental Materials – Design Review Board

R9A1 Board And Committee Appointments - City Commission Appointments. (City Clerk's Office)

**ACTION:** No action taken.

### 3:44:23 p.m.

R9A2 Nomination Of Jeff Lehman To The Visitor And Convention Authority (VCA). (Requested by Mayor Matti H. Bower)

**ACTION:** Motion made by Commissioner Steinberg to appoint Jeff Lehman to the Visitor and Convention Authority; seconded by Commissioner Gross; Voice vote: 7-0.

#### Handout or Reference Materials

1. Letter from Steven Haas, Chair, Miami Beach Visitor and Convention Authority

R9B1 Dr. Stanley Sutnick Citizen's Forum. (1:30 p.m.)

ACTION: No action taken.

#### 6:27:28 p.m.

R9B2 Dr. Stanley Sutnick Citizen's Forum. (5:30 p.m.)

#### **ACTION:**

1. Nina Weber Worth stated that due to the preparation for the Food and Wine Festival there has been a tremendous amount of construction on the beach and by the time the event is disbanded. five blocks of the beach would have been taken up for almost a month, especially during the high season. An event of this scope and scale should be referred to the Planning Board, for proper analysis of its impact on the beach, the resident and the tourism, perhaps consider moving this event to 23<sup>rd</sup> Street; the set up should not take longer than two weeks, and at the very least, they should pay an impact fee.

Commissioner Weithorn asked for the following:

- 1. Confirm that the proceeds from the Food and Wine Festival are going to the FIU scholarship funds. Kathie Brooks to handle; and
- 2. Site plan of the area being used of the festival be provided to the Commission. Max Sklar to prepare an LTC.

#### Handout or Reference Material:

Comments on South Beach Food and Wine Festival submitted by Nina Weber Worth.

Prepared by the City Clerk's Office Page 28 of 33 M:\\$CMB\CITYCLER\AFTERACT\2008\Afteractions\02132008\aa02132008.doc 2. Jo Manning is also concerned about the Food and Wine Festival issue and its status of a non-profit, she added that she attended the event years ago and it is a trade show. She explained also that another issue of concern is the beach; during the last campaign many of the candidates talked about the beach and keeping it clean, she thinks the beach deserves better and it is time to do something to protect the City's asset.

Discussion held regarding Special Events Ordinance.

Frank Del Vecchio spoke.

Commissioner Weithorn asked staff to take a look at the hard pack area east of the dunes, as this is a very well used recreational corridor.

Jorge Gonzalez, City Manager, stated that this information will be sent via LTC.

Frank Del Vecchio commended the Special Events Department, and added that for events in areas not represented by the neighborhood associations, these items should go to the Planning Board.

### 6:44:21 p.m.

3. Andrea Siassipour, resident of Normandy Shores, asked if the drainage well system endangers her family's health in any way. She has spoken to DERM representatives and was told these structures contain pollutants and toxins. She is concerned with health issues because of these contaminants and asked the City Commission to re-evaluate the situation in considering longterm side effects.

Tim Hemstreet, Assistant City Manager, explained that they have responded to Ms. Siassipour, and explained that the pollutant treatments are required to clean the water because the stormwater and drain water are discharged directly into Biscayne Bay. It is believed to be safe and it is also permitted by the Florida Department of Environmental Protection as well as the South Florida Water Management District.

#### 6:49:18 p.m.

4. Stuart Reed, Esq., representing Alex and Cathleen Campos, residents of North Beach, requested that the Miami Beach Police and the City Administration properly investigate an incident that sent Mr. Campos to the emergency room at Mt. Sinai Hospital.

Jose Smith, City Attorney, suggested the City Commission not to engage in any discussion and stated that he would be happy to meet with Mr. Reed if he calls the City Attorney's Office.

Stuart Reed, Esq., stated that they are asking for a proper investigation of the issue.

Vice-Mayor Libbin requested the City Manager to take appropriate action.

Jorge Gonzalez, City Manager, stated he will take appropriate and necessary actions.

Jose Smith, City Attorney, explained that there are procedures in place to follow when there are claims against the City.

Stuart Reed, Esq., stated he filed a claim today and followed the procedures required by Florida Statute.

Vice-Mayor Libbin expressed sincere wishes for Mr. Campos' recovery and shared the concerns.

Handout or Reference Materials:

 Four digital color photographs from 8/20/2007 of Mr. Campos at Mt. Sinai Emergency Room, Rogers Lee, Campo's apartment front and side views, along with two-page Interpretative results dated 8/20/2007 of different tests from Mt. Sinai Hospital and from Hollywood Diagnostic Center. Also attached is copy of police reports dated 8/20/2007.

### 7:00:58 p.m.

5. David Kelsey stated he understand the concerns the residents have with the Wine and Food Festival and its impact. He added that this is a world-wide event and there is no dollar value placed on the free publicity; the inconveniences have to be weighed against the benefits.

Commissioner Gross asked if there are procedures in place for the public to weigh in on the impact of the event.

Jorge Gonzalez, City Manager, stated that the City Administration is very sensitive to the concerns of the residents during all events, but this annual event may be looked at differently and they will take special care to have public input and change procedures if necessary.

Jo Manning spoke regarding impact fees.

Discussion held.

Max Sklar, Tourism & Cultural Development Director, stated fees are waived consistent with the City's policies and Special Events guidelines for all events, and an LTC will be sent as requested.

Nina Webber Worth spoke.

#### 7:11:55 p.m.

6. Marty Evans asked for the current status of the wireless Miami Beach project.

Jorge Gonzalez, City Manager, explained that an LTC is online regarding the WiFi and added that IBM went through the initial acceptance testing but they did not meet specifications sought, and now IBM is trying to resolve these issues and they are verifying the test and will go into a second round of testing before it goes into acceptance mode, which will be no later than summer 2008.

### 4:03:58 p.m.

R9C Discussion Regarding A Resolution Supporting The Petition Sponsored By The Cuban American Veterans Association, Inc.

(Requested by Mayor Matti H. Bower)

**ACTION:** Discussion held. Resolution No. 2008-26772 adopted. Motion made by Commissioner Steinberg; seconded by Commissioner Wolfson; Voice vote: 7-0. R. Parcher to give Ms. Acuna a copy of the Resolution.

Anais Acuna presented the item.

## 9:42:30 p.m.

R9D Discussion Regarding A Resolution Reaffirming The Mission Statement Of The Mayor's Blue Ribbon Committee For The Cultural Arts Neighborhood District Overlay (CANDO).

(Requested by Mayor Matti H. Bower)

ACTION: Discussion held. Resolution No. 2008-26773 adopted as amended:"further reducing the composition of the committee members to five (5) seven (7) members." Motion made by Commissioner Steinberg; seconded by Commissioner Tobin; Voice vote: 7-0. Hilda Fernandez to handle.

Amendment made by Mayor Bower to increase the members from five to seven to include residents.

City Clerk's note: Mayor Matti H. Bower appointed Robert Wennett, MacDara Bohan, Ron Bloomberg, Nancy Liebman, Laura Jamieson, Paul Woehrle and Ray Breslin to serve on the Cultural Arts Neighborhood District Overlay Committee, (CANDO) for a term expiring on 2/13/2009.

## City Clerk's note: Below is the full title of the Resolution:

A Resolution Of The Mayor And City Commission Of The City Of Miami Beach, Florida, Reaffirming The Mission Statement Of The Mayor's Blue Ribbon Committee For The Cultural Arts Neighborhood District Overlay (Cando) For The Designation, Branding, Marketing, And Promotion Of A Cultural Arts Neighborhood District Overlay Within The Boundaries Established For Said District By The Mayor And City Commission Pursuant To Resolution No. 2006-26378; Extending The Life Of The Cando Committee For One Additional Year From The Date Of Adoption Of This Resolution; And Further Reducing The Composition Of The Committee Members To Seven (7) Members, Such Members To Be Direct Appointments Of The Mayor Who Shall Serve For A One (1) Year Term, To Run Concurrent With The One Year Extension Of The Committee.

### **ADDENDUM**

3:19:03 p.m.

R9E Nomination Of Scott Robins And Richard Milstein To The Performing Arts Center Trust. (Requested by Mayor Matti H. Bower)

**ACTION:** Discussion Held. Motion made by Commissioner Gross to appoint Scott Robins and Richard Milstein to the Performing Arts Center Trust; seconded by Commissioner Steinberg; Voice vote: 7-0. **R. Parcher to notify the Trust.** 

## **Reports and Informational Items**

A City Attorney's Status Report.

(City Attorney's Office)

**ACTION**: Written report submitted.

B Parking Status Report - December 2007.

(Parking Department)

**ACTION**: Written report submitted.

C Status Report On The Rehabilitation Of The Existing Building And Construction Of The New Fire Station No. 2.

(Capital Improvement Projects)

**ACTION**: Written report submitted.

D Informational Report To The Mayor And City Commission, On Federal, State, Miami-Dade County, U.S. Communities, And All Existing City Contracts For Renewal Or Extensions In The Next 180 Days. (Procurement)

**ACTION**: Written report submitted.

- E Non-City Entities Represented By City Commission:
  - Minutes From The Metropolitan Planning Organization (MPO) Governing Board Meeting On December 20, 2007 And Agenda For The January 24, 2008 MPO Governing Board Meeting. (Requested by Commissioner Richard L. Steinberg)

**ACTION**: Written report submitted.

2. Minutes From The Miami-Dade County League Of Cities Board Meeting On November 1, 2007.

(Requested by Commissioner Richard L. Steinberg)

**ACTION**: Written report submitted.

**End of Regular Agenda** 

# Miami Beach Redevelopment Agency

City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive February 13, 2008

Chairperson of the Board Matti H. Bower Member of the Board Saul Gross Member of the Board Jerry Libbin Member of the Board Richard L. Steinberg Member of the Board Edward L. Tobin Member of the Board Deede Weithorn Member of the Board Jonah Wolfson

Executive Director Jorge M. Gonzalez Assistant Director Tim Hemstreet General Counsel Jose Smith Secretary Robert E. Parcher

### **AGENDA**

#### OLD BUSINESS

A Report Of The Itemized Revenues And Expenditures Of The Miami Beach Redevelopment Agency's City Center District & South Pointe (Pre-Termination Carry Forward Balances) For The Month Of December 2007.

(Finance Department)

**ACTION**: Written report submitted.

**End of RDA Agenda** 

Meeting adjourned 9:43: 08 p.m.